

COUNCIL MINUTES
SEPTEMBER 18, 2013

The City Council held a meeting on Wednesday, September 18, 2013, at 5:30 p.m., in the Council Chambers, 10 North Main Street, Cedar City, Utah.

MEMBERS PRESENT: Mayor Joe Burgess; Councilmembers: Ron Adams; Nina Barnes; John Black; Paul Cozzens; Don Marchant.

STAFF PRESENT: City Manager Rick Holman; City Attorney Paul Bittmenn; City Engineer Kit Wareham; Executive Secretary Barbara Barrick; Finance Director Jason Norris; Police Chief Robert D. Allinson; Fire Chief Paul Irons; Leisure Services Director Dan Rodgers; Public Works Director Ryan Marshall, Street Superintendent Jeff Hunter, Field Maintenance Manager Corey Childs, Heritage Center Manager Jason Clark.

OTHERS PRESENT: Betsy Carlile, John Schmidt, Cindy Hollinger, Harley Thompson, Helen Thompson, Gavin Hollinger, Fred Rowley, Tom Jett, Vince Haughton, Angelica Teter, Maile Wilson, Dutch Workman, Andrew Weber, Ingrid Barland, Terry Irons, Shari Rudd, Kerry Fain, Chad Fain, Dallin Staheli, Wayne Christensen, Ciera Cheney, Lacey Strib, Beverly Whiting, Mary A. Deamore, Mary Jane Seaman, Nathan Beacham, Brandy Bettridge, Colton Hedges, Jade Etchart, Justin Edwards, Wes Brinkerhoff, Jordan Slade, David Weber, Avery Whittaker, Dylan Giles, Josh MacInnis, Jonathan Ginouves, Jed Boyle, Ethan Boyle, Jeffrey Ginouves, Carly Heaton, Nate Heaton, Clain Heaton, Josh Boyle, Brenda Killian, Cambree Applegate, Cheryl Bellomo, Judy Higbee, Tanner Davies, Kennedy Roche, Brad Graff, Triston Graff, Mark Bradshaw, Curtis Neilson, Charles Hammon, Ryan Walton, Karsten Nelson, David Rau, Hunter Anderson, Bryce Wayment, Mason Peterson, Chris Archibald, Robert Archibald.

CALL TO ORDER: Councilmember Nina Barnes gave the opening prayer; the pledge of allegiance was led by Boy Scout David Rau.

AGENDA ORDER APPROVAL: Councilmember Paul Cozzens moved to approve the agenda order; second by Councilmember Nina Barnes; vote unanimous. Mayor – On the Staff Comments area, I want to move one item to the work meeting.

ADMINISTRATION AGENDA – MAYOR AND COUNCIL BUSINESS; STAFF COMMENTS: ■

PUBLIC COMMENTS: ■ Proclamation designating each Friday in October as “Wear Pink Day” to promote awareness of breast cancer – Cheryl Bellomo/Mayor Burgess: Cheryl - We have a special event on October 5, at West Canyon Park at 8 a.m. with survivors of cancer who are holding their first annual 5K walk-run. All are invited to attend and help promote awareness of breast cancer. ■ Tom Jett – There has been a rash of vandalism on political signs. They are expensive and it is a shame. I hope the paper does an article on this so that people can watch out and help alleviate this problem. ■ Cambree Applegate, Brenda Kelly, Healthy Iron County. Brenda - We want to make you

aware of a program that we are planning on bringing to Iron County. Brenda – The program is “Play Unplugged” and it is designed to get kids out of the house. Businesses sponsor activities for the kids, which gives them a chance to get outside. It also gets more people into their businesses. In other cities with this program, the foot traffic at businesses expanded by 500 percent and was a revenue builder. Chamber visitors also increased dramatically. All the kids loved the program when it was in Heber, and we want to bring it here this summer. Ron A – I sat in on the Heber City discussion at the League Conference and it sounded like a good program. Nina – How do you become a sponsor? Brenda – You pick an activity and the business buys brag tags that the kids pick up. If you are interested, contact us. ■ Gavin Hollinger – I am following up on the Chrysalis facility in my neighborhood. I feel this is a violation of City ordinance. The ordinance states that these types of facilities need 700 feet between them. The distance between Mt. Springs and Chrysalis is approximately 600 feet. John Schmidt – I live there also and couldn’t be here last week. I want to express a concern about this situation, with the two group homes so close to each other. I realize there is a need, but there is a zoning regulation on the amount of these homes. We are good neighbors, but want to make sure the ordinance is followed. Rick – We appreciate your observations. Staff did research on Mt. Springs and have found that it is a private boarding school, which doesn’t fit under the definition of a treatment facility. Our opinion is that it is a private school and not a treatment facility. The Fire Marshal inspected the premises and determined that it was certified for the use that Chrysalis would use it for. At this point, they have met the criteria of the ordinance. Gavin – Are there documents for public inspection? In the ordinance it states that these must be provided to the City Recorder. Rick – We will check. John – Does your area have some CC and R’s that may address this issue? Gavin – They are dated 1992 so they are probably not viable, as some of the definitions have changed. John – Is the Mt. Springs definition on the state permit? On their website it is listed as transitional housing. Rick – They don’t need a permit from the state.

CONSENT AGENDA: (1) APPROVAL OF MINUTES DATED AUGUST 21 & 28, 2013; (2) APPROVAL OF BILLS DATED SEPTEMBER 12, 2013; (3) APPROVE A SINGLE EVENT PERMIT FOR A HORSESHOE TOURNAMENT AT THE ELKS LODGE ON SEPTEMBER 21ST – CANDACE HOWES, CEDAR CITY ELKS; (4) APPROVE A LEASE WITH THE STATE OF UTAH, DIVISION OF CHILD AND FAMILY SERVICES FOR THE USE OF FESTIVAL HALL –

JASON CLARK: Councilmember Don Marchant moved to approve the consent agenda items 1 through 4 as written above; second by Councilmember Nina Barnes; vote unanimous.

CONSIDER APPROVAL OF A LAND LEASE AGREEMENT WITH YETI - PAUL BITTMENN:

John – Did we get moving the power from one side to the other resolved? Kit – We don’t have an exact estimate. Barney Brothers will install and we will buy the wire. They will be hooking onto the spare breaker and the conduit is already there. Paul C – One issue was to keep the rink close to the south wall to keep the sunlight off of the ice. Kit – We have a preliminary layout, and it is not laid out that way now. The container units are by the north wall. We can come up with that cost. Mayor – The

agreement says the cost won't exceed RAP Tax funds. We need to get with YETI, as I don't know if we've had any direction on that. John – It makes sense to move it. Mayor – I think that will still stay within the criteria. Paul B – The P and R Board wants to change the amount of the rent to \$500 per month or 5% of the gross. They make the recommendations and then Council votes. The P and R Board did give a positive recommendation, but their concern was the cost of the water to the City. Don – I want to keep it at 3%. Mayor – I think we should leave it at the 3% for this year and then reassess it next year. Paul C – That will help them succeed this year. They'll be buying concessions, etc. so I think it will even out. Nina – I was at the Advisory Committee yesterday, and I stand by their recommendation. I don't think that it will be a significant amount of water, but I am concerned about the wear and tear, etc. I'm fine either way, but we need to be cognitive of the maintenance expenses during the budget next year. Councilmember Don Marchant moved to approve the land lease agreement with YETI at \$300 per month or 3% of the gross; second by Councilmember Paul Cozzens; vote unanimous.

RATIFY THE ADOPTION OF A RESOLUTION AUTHORIZING AN ANNUALLY RENEWABLE LEASE, A MASTER RESOLUTION, SECURITY DOCUMENTS AND THE ISSUANCE AND SALE BY THE AUTHORITY OF ITS MUNICIPAL BUILDING AUTHORITY OF CEDAR CITY, IRON COUNTY, UTAH LEASE REVENUE BOND, SERIES 2013 TO FINANCE THE COST OF ACQUIRING EQUIPMENT AND ACCESSORIES APPURTENANT TO THE CITY'S PUBLIC SAFETY FACILITIES AND THE OPERATION THEREOF; CALLING OF A PUBLIC HEARING TO RECEIVE INPUT WITH RESPECT TO THE ISSUANCE OF LEASE REVENUE BONDS AND ANY IMPACT TO THE PRIVATE SECTOR FROM THE CONSTRUCTION OF THE FACILITY TO BE FUNDED BY THE BONDS; AND AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED: Councilmember John Black moved to ratify the adoption of a resolution authorizing an annually renewable lease, a master resolution, security documents and the issuance and sale by the MBA; second by Councilmember Marchant; roll call vote as follows.

Ron Adams	-	AYE
Nina Barnes	-	AYE
John Black	-	AYE
Paul Cozzens	-	AYE
Don Marchant	-	AYE

CONSIDER APPROVAL OF AN ORDINANCE REPEALING CHAPTERS 1A, 12, 13, 16 AND 28 OF THE ORDINANCES OF CEDAR CITY, UTAH – RICK HOLMAN: Councilmember Black moved to approve the ordinance repealing Chapters 1A, 12, 13, 16, & 28 of the Cedar City Ordinances; second by Councilmember Adams ; roll call vote as follows:

Ron Adams	-	AYE
Nina Barnes	-	AYE
John Black	-	AYE
Paul Cozzens	-	AYE
Don Marchant	-	AYE

ADJOURN: Councilmember Nina Barnes moved to adjourn and move into the work meeting at 5:50 p.m.; second by Councilmember Don Marchant; vote unanimous.


Barbara Barrick, Executive Secretary

